

APPLICATION REVIEW

Z-16-65

HEARING DATE: November 29, 2016

1. CASE # Z-16-65
PROPERTY ADDRESS: 1369 S. 11th Street
LEGAL DESCRIPTION: Lot 28, Block D, J.P. Anderson Addition, Bldg. D, Unit 4

2. APPLICANT: William F. & Barbara Janette Draving
MAILING ADDRESS: 1369 S. 11th Street (06)

3. REQUEST:

SPECIAL PERMIT FOR TEMPORARY RESIDENTIAL RENTAL UNIT IN AN O-2 DISTRICT

Temporary residential rental unit. A residential dwelling unit where short-term lodging is provided for compensation, the owner does not reside on the property and breakfast provided for overnight guest is optional. Short term lodging shall be considered to be for a period of time under 30 days.

PLANNING SERVICES REVIEW

NEIGHBORHOOD CHARACTER:

The property is located along the southwest side of S. 11th Street, between Speight Avenue and Connor Avenue, and within zone 1 of the College and University Neighborhoods overlay district. The existing 2-bedroom condo is part of the Cobblestone II Condominium development. The property owners live in the home, but propose to rent it out during the summer and on some weekends. When the home is rented out for short-term rental, the owners plan to leave the premises. This is a mixed use area with primarily rental property for student housing in the surrounding vicinity.

PLANNING SERVICES RECOMMENDATION:

Planning Services recommends *APPROVAL* of the special permit subject to the special provisions and conditions and based on the following findings*:

1. That the proposed use is consistent with the comprehensive plan and the purposes and intent of Chapter 28-Zoning of the Code of Ordinances of the City of Waco.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

* These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

NOTICES: 64 mailed; returned

TRAFFIC OPERATIONS REVIEW

1. Description of the adjacent street system:

Classification: Local Number of Lanes: Two

Estimated Capacity (at LOSD) 5,000-7,000 vpd Avg. Daily Traffic Not available vpd

2. Estimated increase in traffic on adjacent streets at full build out:

Immediate: Negligible Future: Not available

3. Will the development's impact be of sufficient magnitude to require mitigation for:

- a) Access problems: no
- b) Increased traffic congestion: no
- c) Pedestrian traffic: no
- d) Visibility problems: no

4. Traffic Department comments and recommendations:

No comment. (RK)

ENGINEERING SERVICES REVIEW

1. Street condition: Good ___ Acceptable X Needs Reconstruction ___

2. Street width: Existing: ROW 60' Pavement 34'

Required: ROW 50' Pavement 28'

3. Curb and Gutter:

Needs to be installed ___ Exists ___ Needs Reconstruction X

4. Offsite Drainage facilities are adequate to meet additional runoff resulting from the rezoning.

5. Water is available to the property, and it will serve the heaviest uses allowed under the requested zoning.

6. Sewer is available to the property, and it will serve the heaviest uses allowed under the requested zoning?

7. Engineering Department comments and recommendations:

The property is served with both public water and sanitary sewer mains and there have been no drainage issue reported in this immediate area; therefore, Engineering has no comment. (TD)

CASE NO. Z-16-65

INSPECTION SERVICES REVIEW

Comments --

No comment. (GD)

LEGAL SERVICES REVIEW

Comments -- . (JP)

FIRE DEPARTMENT REVIEW:

ANTICIPATED FIRE RESPONSE TIME: < 6 min

IS THE FIRE RESPONSE TIME ADEQUATE?: Y (Y) YES (N) NO

Fire Department Comments and Recommendations:

No comment. (GL)

HEALTH DEPARTMENT REVIEW

INSPECTION/PERMIT REQUIRED N (Y) YES (N) NO

DATE OF INSPECTION: N/A

Health Department Comments and Recommendations: None. (DL)

POLICE DEPARTMENT REVIEW

Comments No significant impact to Police Services. (JW)

CASE #Z-16-65

PROPERTY OWNERS LIST

Applicant: William F. & Barbara Janette Draving

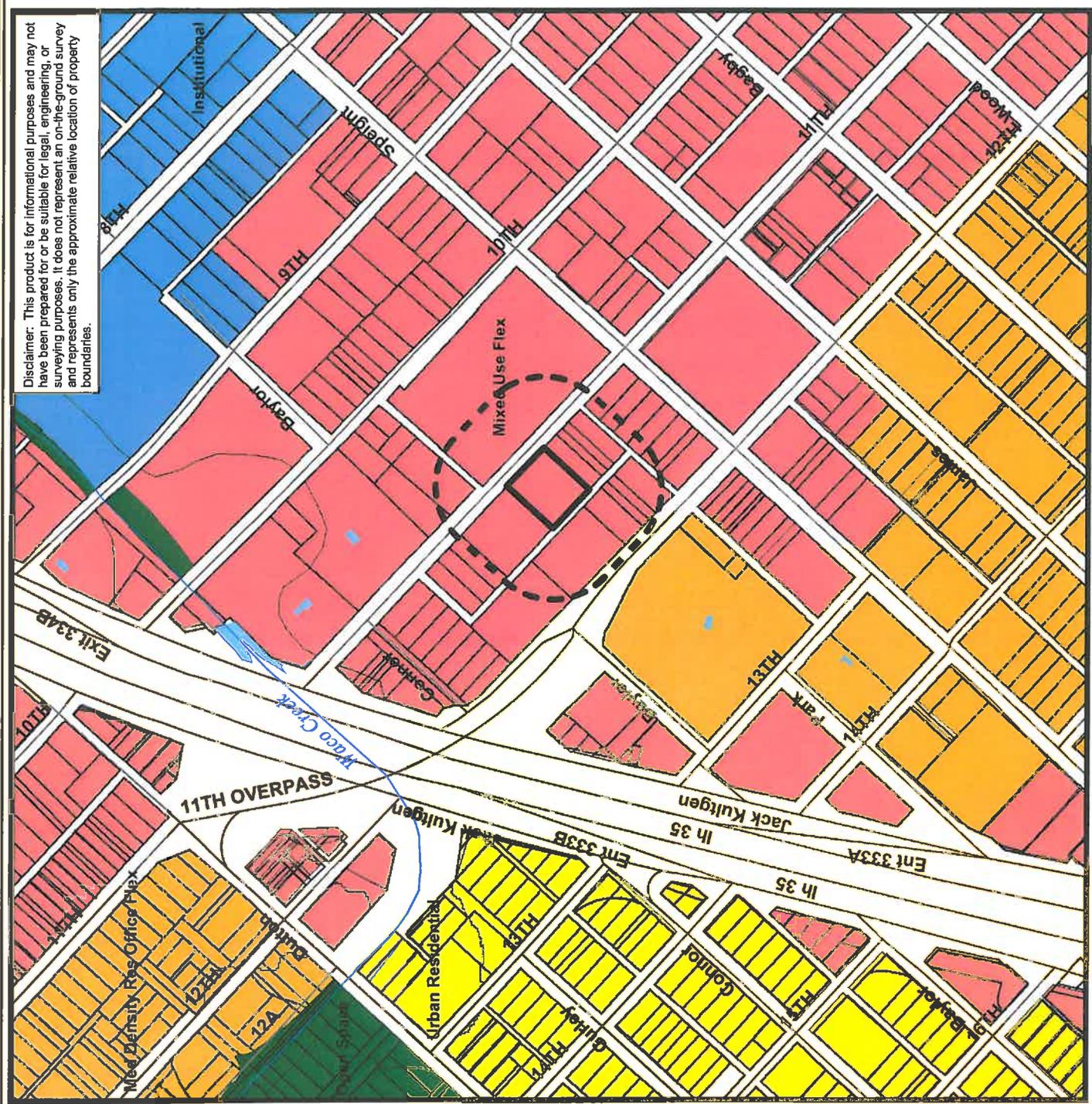
Owner: Same

SPECIAL PROVISIONS & CONDITIONS
FOR TEMPORARY RESIDENTIAL RENTAL UNIT

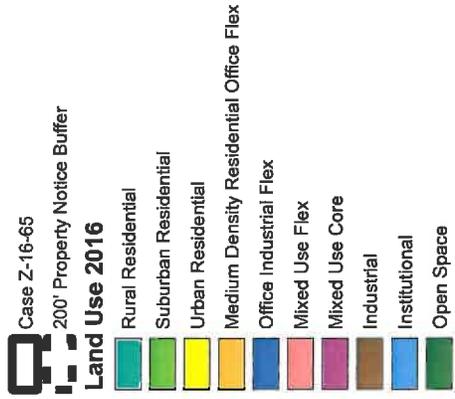
1. The permit hereby granted is to, William F. & Barbara Janette Draving, and may not be transferred or assigned.
2. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, this permit shall become null and void, and the lawful use of the property listed as the location for the permit shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
3. This permit is for the specific location designated herein and shall not be transferred to another location.
4. That said temporary residential rental unit shall be operated in accordance with all applicable regulations and the permittee shall obtain all permits or licenses which may be required under the Ordinance of the City of Waco or other agencies of the County, State or Federal government. The property may be inspected by the Departments of Planning, Inspections Services, Fire Services, the Health District or any other responsible departments to ensure the building or premises complies with all applicable codes and special conditions.
5. A Life Safety Inspection for compliance with applicable City codes must be approved by the Inspections Services Department prior to issuance of the Special Permit. This inspection includes, but is not limited to, smoke detectors, at least one operable egress window per bedroom, required safety measures for pools (if applicable), and exterior stairwells (if applicable).
6. This permit may be revoked for failure of the permittee to pay all taxes and/or fees due and owing the State or any political subdivision of the State, or for a violation of this special permit or any ordinance of the City of Waco, or for good and sufficient cause, upon notice to the permittee and after a public hearing.
7. Permittee shall comply with all building, plumbing, electrical and other related construction codes of the City of Waco.
8. The structure and the grounds shall be maintained and shall be kept in good repair and condition.
9. This permit shall be for a period of three years and expire on December 20, 2019. At expiration of said period the permittee shall make an application for renewal of said special permit. If the permit is not renewed, it will be considered abandoned and terminated and the lawful use of the said premises shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
10. The temporary residential rental unit shall be subject to City and State's hotel occupancy taxes.
11. Functions such as meetings, receptions, weddings and other social events provided for compensation are not permitted as part of the temporary residential rental unit special permit.
12. Functions such as meetings, receptions, weddings and other social events are not permitted to be held by the tenants. No outside vendors are permitted on the property.
13. A maximum of 2 temporary residential guest vehicles shall be permitted to park on the property at any time.

14. No on-street parking shall be allowed for temporary residential guest vehicles.
15. The owner or on-site manager shall be present or available at all times the property is being rented as a temporary residential rental unit. Contact information shall be filed with Planning Services Department.

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



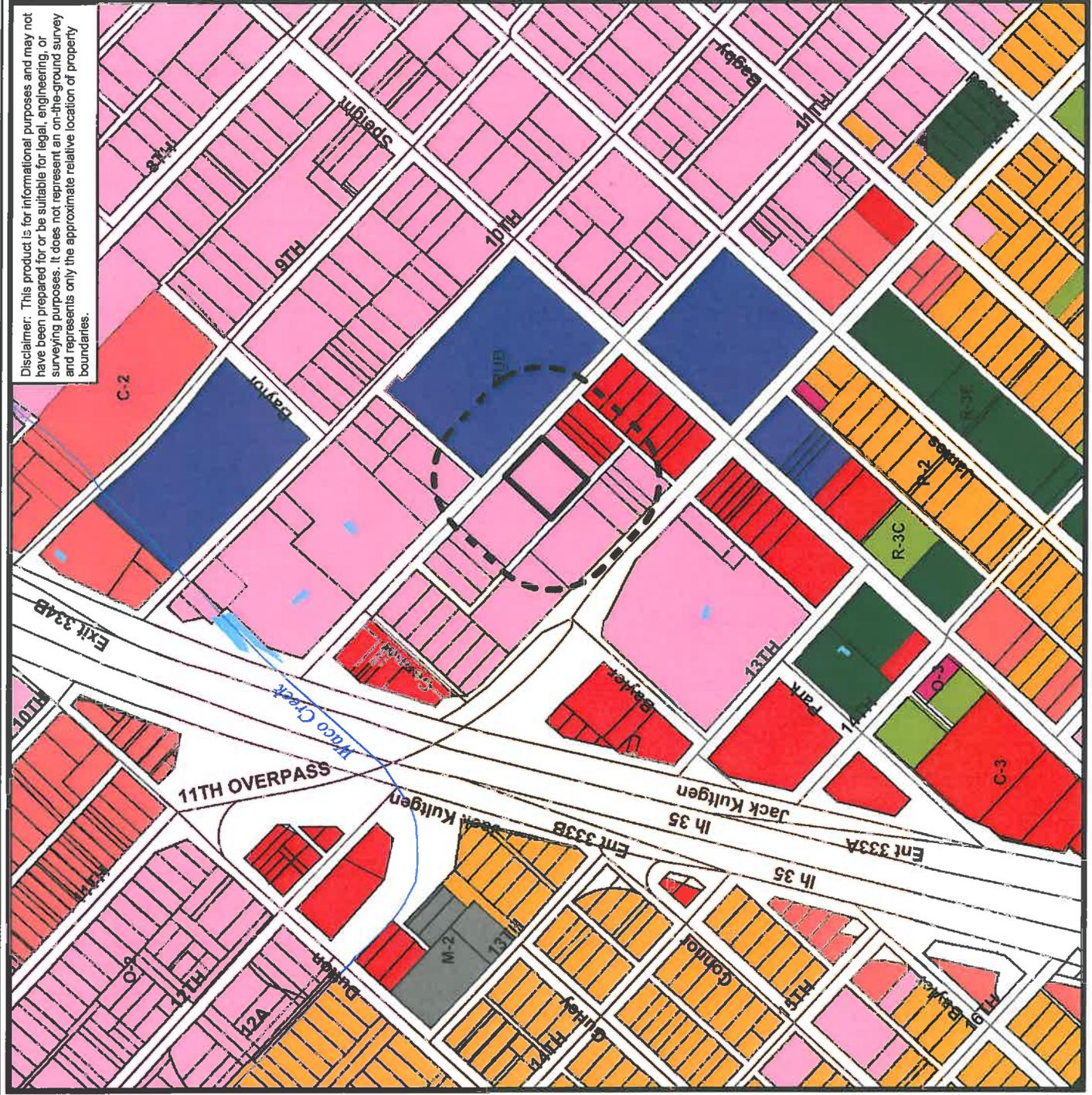
Zoning Case Z-16-65
 1369 S. 11th Street
 Mixed Use Flex
 Property Location Map
 and Surrounding
 Land Use 2016



November 2016



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Zoning Case Z-16-65
 1369 S. 11th Street
 Special Permit for a
 Temporary Residential Rental Unit
 in O-2 District
 Property Location Map
 and Surrounding
 Zoning Categories

Case Z-16-65
 200' Property Notice Buffer

Zoning Categories

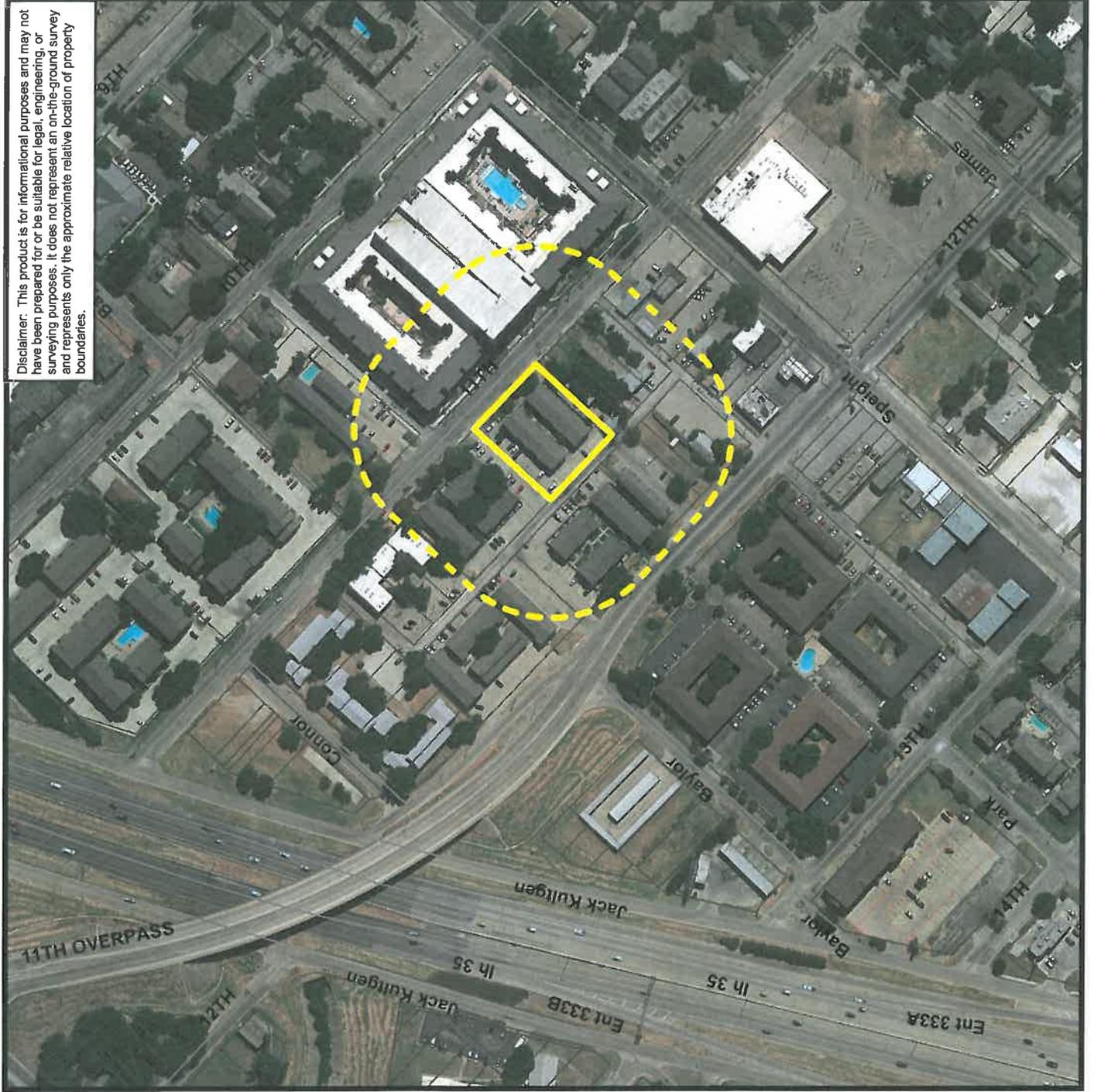
- R-1A
- R-1B
- R-1C
- R-2
- R-3A
- R-3B
- R-3C
- R-3D
- R-3E
- O-1
- O-2
- O-3
- C-1
- C-2
- C-3
- C-4
- C-5
- M-1
- M-2
- M-3
- PUD



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Zoning Case Z-16-65
 1369 S. 11th Street
 1363 S. 11th Street (per McCad)
 Special Permit for a
 Temporary Residential Rental Unit
 in O-2 District
 Property Location Map



Case Z-16-65
 200' Property Notice Buffer



November 2016



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Zoning Case Z-16-65
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 200' Property Notice Buffer



November 2016



We are the Draving Family, Bill & Jan and Wolfgang. We moved to Waco in 2013 when Wolfgang entered Baylor University on scholarship as a Music Performance, Engineering, and Honors College Student. Due to the death of my brother in 2012, my father was able to help us buy the condominium at 1369 South 11th Street for our home. We have lived there happily for three years while our son attends college, I homeschool for the family of two Baylor professors, and my husband develops his online educational tutorial and college planning program. (Bill had the #1 mortgage banking website in the country until the subprime lending crisis devastated the industry and he lost his clients, so he's working to provide a new source of income.) We love to have students over for meals and support their concerts, recitals, and other activities at school, and Bill has spent a significant amount of time chauffeuring them around to appointments and errands and sitting in the emergency room with them in the wee hours of the morning.

In the meantime, the past year has brought huge changes in our family. My mother had a stroke last September, Daddy died in January, and we moved Mother from El Paso to San Antonio where my brother (who manages her affairs) lives. Bill's mother in Florida is declining and is not expected to live long. Bill had open chest surgery last Fall. All of this has required a significant amount of traveling back and forth (which has been hard on our 17-year-old and 16-year-old vehicles). These added expenses have strained our modest resources to the max. So we have been looking for alternative sources of income: Bill is substitute teaching in the Waco school district, and I am hoping to obtain a typing job soon.

Through Baylor, Wolfgang was blessed with a summer internship at Samsung Austin Semiconductor for eleven weeks. So we took the opportunity to rent out our entire 2 bedroom/2 bath condo for the summer while we went back and forth between Waco, Austin, and San Antonio taking care of our vacation rental guests, visiting our son, and helping with Mother. The rental income was a blessing from God, and we decided as a family that we would try renting it out for Baylor football weekends. Our prime concern was that it would not interfere with Wolfgang's education. It has worked out wonderfully; he spends the night with friends, and we go to San Antonio to help with Mother. The guests have been a delight; they are happy with our condo, write great reviews, and have expressed the desire to return. We had a family stay in our condo while looking for a rental for their daughter; she loved ours so much, she rented the condo next door!

We are the only owners who actually live in our complex. I am the President of the HOA. The other thirteen condos are rented out by absentee landlords to mainly students and single working residents. We either stay to greet our guests or leave shortly before they arrive. We return shortly after they leave. We have a minimum age of 24 years for renters and charge enough rent plus a damage deposit to discourage irresponsible people. (We have house rules which must be met, but we have never had to keep the deposit; our guests have always left the condo in great shape.) We do not allow pets or smoking in the condo or on the patio. Our guests have been couples, small families, and ladies groups. There is more than adequate parking; there are usually at least eight empty spaces (even in the middle of the night). There is no additional stress on the parking, water, electricity, sewage, or noise level of the community because this is not new or additional construction. This is our home in which we live, love, and extend hospitality to friends and strangers, but it is also our investment. As such, we have a vested interest in maintaining the positive atmosphere of our community and the safety of our family, friends, neighbors, and guests.

We respectfully request the consideration of the Council to grant our family a permit to allow us to continue what has become a blessing to our family, friends, and guests. Thank you!

Lot Dimensions = .0375 acres / 16341 sq ft

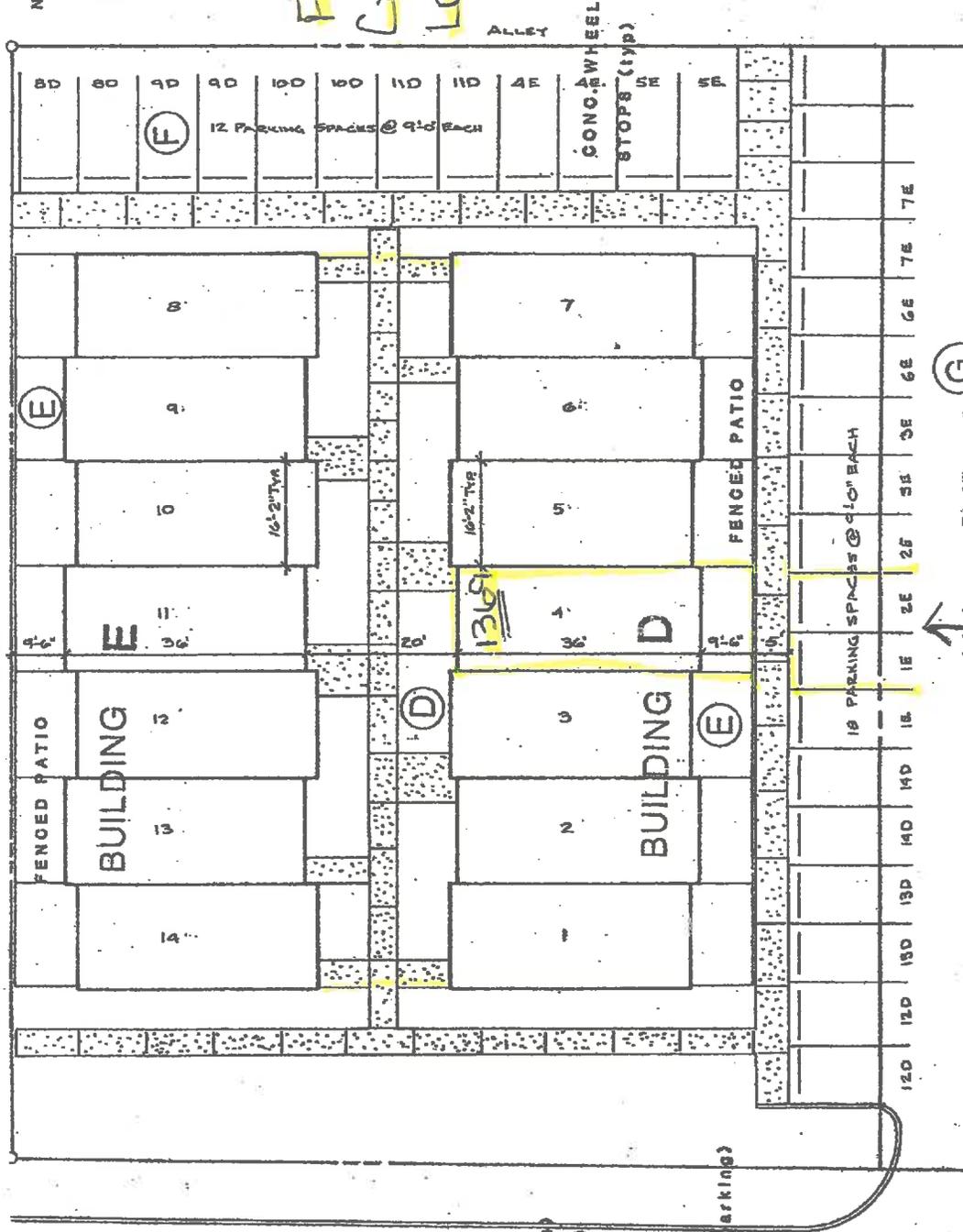
COBBLESTONE CONDOMINIUM PHASE II

Waco Texas

NOTE:

Each unit has
1184 s.f.

Fenced
Courtyard with
Locked Gate



SOUTH 11TH STREET

LEGEND

- D BUILDING 4 (Units 8-14)
- E BUILDING 5 (Units 1-7)
- General Common Area
- Limited Common Area
- Limited Common Area (parking)
- 24' Access Easement

EXHIBIT "B"





King Bedroom



Front Door in
Grated Courtyard



Kitchen



Living Room



Queen Bedroom



Back Entry with Private Patio (locked gate)



Back of Unit faces Parking Lot



Entry Drive from 11th St